



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

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Released: June 15, 2020

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON A PETITION FOR WAIVER OF CONNECT AMERICA PHASE II AUCTION LOCATION ADJUSTMENT RULES

WC Docket No. 10-90

Comment Date: June 29, 2020

Reply Comment Date: July 7, 2020

The Wireline Competition Bureau (Bureau) seeks comment on a petition filed by the Connect America Fund Phase II Coalition (Phase II Coalition), a group of 14 carriers authorized to receive support through the CAF Phase II Auction program.¹ Specifically, the Phase II Coalition requests a waiver of the requirement to reduce support on a per location basis (pro rata reduction) in situations where the total number of qualifying locations within the state is within 35% of the carrier's CAF Phase II Auction defined deployment obligation for that state (35% threshold).² In addition, petitioners request that the Commission allow funding recipients to certify at the end of their support term that the actual number of qualifying locations is within this 35% threshold rather than requiring them to participate in the Eligible Locations Adjustment Process (ELAP) to establish the number of total qualifying locations.³

PROCEDURAL MATTERS

Interested parties may file comments on or before the dates indicated above. All pleadings must reference **WC Docket No. 10-90**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS), or by filing paper copies.

Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.

Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

¹ Petition of Connect America Fund Phase II Coalition, Request for Waiver of Requirement for Pro Rata Reduction in CAF Phase II Support Based on Locations Discrepancies, WC Docket 10-90 (filed June 10, 2020) (Petition).

² See Petition at 1, 4-5; *Compare Connect America Fund*, WC Docket No. 14-259, Order on Reconsideration, 33 FCC Rcd 1380, 1390-92, paras. 23-28 (2018) with *Rural Digital Opportunity Fund*, Report and Order, 35 FCC Rcd 686, 709-711, para. 46-47, 51 (2020).

³ See Petition at 5; *Wireline Competition Bureau Seeks Comment on Procedures to Identify and Resolve Discrepancies in Eligible Census Blocks Within Winning Bid Areas*, WC Docket No. 10-90, Public Notice, 33 FCC Rcd 8620 (WCB 2018).

Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.⁴

Filings can be sent by commercial overnight courier or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

In addition, we request that one copy of each pleading be sent to each of the following:

(1) Nissa Laughner, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B431, Washington, D.C. 20554; e-mail: Nissa.Laughner@fcc.gov; and

(2) Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A452, Washington, D.C. 20554; e-mail: Charles.Tyler@fcc.gov.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Permit but Disclose Ex Parte Communications. The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's ex parte rules.⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

⁴ See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, 35 FCC Rcd 2788 (2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

⁵ 47 CFR §§ 1.1200 *et seq.*

For further information, please contact Nissa Laughner, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

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